

REMARKS

Claims 16-29 and 31 are presented. Claims 16 and 26 have been amended. Claim 30 has been canceled and claim 31 has been added.

Objections to Specification

The Office Action objects to informalities regarding the nomenclature of some of Applicants' compounds indicating a ring connection of [1,2-b] and requests correction to [2,1-b]. Applicants' appreciate the identification of this discrepancy and have amended the specification to clarify the nomenclature. Applicants note, however, that the compounds listed on page 28, line 9; page 32, line 34; and page 33, line 5 do reflect the correct ring connection of [1,2-b].

Claim Rejections Under 35 U.S.C. §112

Claim 16-22 and 24-30 have been rejected under 35 U.S.C. §112, second paragraph, for being indefinite. In particular, Claims 16-22, 24-25, and 28-30 are said to be indefinite with respect to the structural representation of formula (I) where the spiro moiety appears to have only five nodes. Applicants have amended the claims to clarify the structure and more clearly illustrate the sixth node.

Claims 16-22 and 24-30 are said to be indefinite with respect to the nomenclature of the compounds being excluded in the proviso where the ring connection is [1,2-b]. Applicants have amended the claims to clarify that the ring connection is [2,1-b] for these compounds.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under §112.

Claim Objection

Claim 23 has been objected to as being dependent on a rejected base claim. In view of the above amendments and remarks, Applicants respectfully submit that this objection is moot.

Double Patenting

Claim 30 has been provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over claims 16-26 of co-pending application number 10/898,844. As an initial matter, Applicants note that claim 30 has been canceled and new

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method of treatment claim 31 has been added. Applicants will be able to address any double patenting issues arising in connection with the present application and co-pending application number 10/898,844 upon an indication that the claims in the applications are otherwise deemed to be in condition for allowance.

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is requested respectfully.

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